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Attorneys for Defendant Home Depot U.S.A., Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER KOPERA, individually and  
on behalf of all others similarly situated,  
  
Plaintiff,

-against-

HOME DEPOT U.S.A., INC.,  
  
Defendant.

No. 09-cv-08337 (WHP) (HP)

DECLARATION OF BILL LOVE

I, Bill Love, hereby declare and state as follows:

1. I am over 18 years of age, and I have personal knowledge of the matters contained in this declaration. I am making this statement voluntarily and without coercion.

2. I have been employed by Home Depot since approximately September 2001. Since July 2009, I have held the position of Director of Learning Solutions. In this position, I am responsible for determining the best course of training for each area where training is needed. I

have responsibility for determining training solutions throughout the United States. During my tenure at Home Depot, I have become familiar with the structure of the Home Depot stores and the duties and responsibilities of store employees.

3. Home Depot stores in general are divided into 11 merchandising departments and several non-merchandizing departments such as the front end, where cashiers work. Each Home Depot store is typically managed by one store manager and between two and seven assistant store managers (ASMs). Various factors influence the number of ASMs in a particular store, including store size, volume, hours of operation, number of employees, and the experience level of managers in the store. Home Depot typically promotes ASMs from within, often from the department supervisor position, but some are hired from outside of Home Depot.

4. The duties of an ASM vary greatly depending on the particular circumstances of an ASM and the store in which he or she works. Some of the duties and responsibilities of ASMs include: interviewing candidates and making hiring recommendations; training employees; supervising employees and delegating job duties; overseeing customer service; conducting employment evaluations; disciplining employees when necessary; monitoring reports, controlling inventory and placing orders; and overseeing safety and security in the store.

5. The ASM position comprises several different categories of ASMs. For instance, Merchandising ASMs are responsible for the operations of between two to six merchandising departments, such as hardware, flooring and garden. Specialty ASMs are responsible for the operations of the specialty departments, such as kitchen and décor and other departments involving home installation. Operations ASMs oversee the general business operations departments, such as the cashiers, phone center, returns, and special services. Some stores also

have Night Operations ASMs, who are responsible for overseeing other store operations, such as receiving and freight.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed in Atlanta, Georgia on May 6, 2010.

A handwritten signature in blue ink, appearing to read "Bill Love", is written over a horizontal line.

Bill Love